

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

NORRIS HOLLY, JR.

PLAINTIFF

V.

NO. 4:20-CV-5-DMB-RP

NANCY BERRYHILL

Commissioner of Social Security

DEFENDANT

ORDER

On November 23, 2020, United States Magistrate Judge Roy Percy issued a Report and Recommendation recommending “that the Commissioner’s decision be REVERSED AND REMANDED for a rehearing of the plaintiff’s application under the fourth sentence of § 405(g).”

Doc. #19 at 9. The Report and Recommendation warned:

Objections [to the Report and Recommendation] are required to be in writing and must be filed within fourteen (14) days of this date and “a party’s failure to file written objections to the proposed findings, conclusions and recommendation in a magistrate judge’s report and recommendation within [14] days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” *Douglass v. United States Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Id.

To date, no objections to the Report and Recommendation have been filed. Under 28 U.S.C. § 636(b)(1), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the Report and Recommendation and finds that it is neither clearly

erroneous nor contrary to law. Therefore:

1. The Report and Recommendation [19] is **ADOPTED** as the order of the Court; and
2. This case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for a rehearing of the plaintiff's application pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED, this 14th day of December, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE